

REMARKS

Claims 1-16 and 21-24 are pending. The present amendment is submitted concurrently with a Request for Continued Examination under 37 C.F.R. § 1.114 requesting entry of the Reply submitted on February 12, 2007. The Reply of February 12, 2007 is incorporated herein by reference in its entirety and re-asserted herein in answer to all outstanding rejections as stated in the Office Action of December 19, 2007 as if fully presented hereinbelow. The present amendment corrects perceived errors in the structures of the recited compounds and corrects the dependency of claims 21-24. Support for these changes may be found throughout the specification as described hereinbelow. No new matter is entered by way of these amendments. Reconsideration is respectfully requested.

Interview

Applicants' representatives thank the Examiner for extending the courtesy of an interview on or about March 26, 2007. During the interview, the Examiner stated that the structures presented in the Reply of February 12, 2007 were different than those previously pending. The Examiner stated that one of the substituents had moved from the "5" position to the "6" position and that a positive charge was missing on the nitrogen atom of the claimed compounds. Applicants submit herewith explanation for these changes, as described below.

Reply to Advisory Action

In answer to the Examiner's comments provided on page 2 of the Advisory Action of March 7, 2007, Applicants submit herewith a substitute specification to replace the present

specification of record. The changes made in the substitute specification are to address grammatical and typographical errors and do not in any way introduce new matter into the specification.

Erroneous 5' linkage of the Indole Moiety

For instance, it was noted by the Examiner that the structures of the chemical compounds submitted in the Reply of February 12, 2007 were not the same as those originally submitted in the claims. Applicants note that it has always been their intention to claim the structures submitted with the Reply of February 12, 2007. That is, the entire specification is consistent with a 6' linkage, rather than a 5' linkage, of the indole moiety, as presented in the Reply of February 12, 2007. The specification fully supported these 6'-linked structures at, for instance, page 14, which at the top clearly discloses the proper structures for the presently claimed compounds as further evidenced by chemistry image 5 on the lower half of page 14. In fact, the only appearance of the erroneous 5' linkage is at page 11 of the specification. Thus, one of ordinary skill in the art would immediately recognize that this one figure was inconsistent with the remainder of the specification. Furthermore, one of ordinary skill in the art would immediately recognize how to correct the structure, by switching the 5' linkage to a 6' linkage, to be consistent with the rest of the disclosure.

Erroneous Methyl Substituent on the Indole Nitrogen Atom

Furthermore, the Examiner pointed out during the interview that in the Reply of February 12, 2007, at page 3, the top compound comprises an indole ring having an A₁ moiety. This

indole ring has a methyl-substituted nitrogen group. Similarly, in the second compound, below the first compound, on the same page, there is a methyl group attached to the nitrogen group in the same indole ring. These methyl groups are the changes to the original structure that the Examiner states requires a new search of the prior art.

Applicants respond that in fact, there is no methyl group intended to be present from this nitrogen atom. The supposed "extra bond" referred to by the Examiner is intended to be a bond to a hydrogen atom. The structural drawing software used by Applicants requires that any nitrogen have at least four bonds. Thus, Applicants added the extra line to indicate a hydrogen atom, rather than a methyl. The Applicants' drawing program required the nitrogen atoms to be "completely bonded."

Thus, Applicants submit herewith a further amendment to the claims, removing the perceived "extra" methyl group bonded to the nitrogen atom of the indole ring.

Furthermore, the amendments to the claims correct the dependency of claims 21-24.

Thus, reconsideration and withdrawal of the new matter rejection of the claims are respectfully requested.

CONCLUSION

If the Examiner has any questions or comments, please contact Thomas J. Siepmann, Ph.D., Registration No 57,374, at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: May 21, 2007 (Monday)

Respectfully submitted,

By 

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Attachments: Substitute Specification (clean and marked-up copies)

